

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 ISO-00 SCA-01 JUSE-00 PPT-01 SSO-00

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC IMMEDIATE 8476

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E.O. 11652:N/A

TAGS: CPRS, PFOR, SNAR, UK

SUBJECT: EXTRADITION: PETER DALY

REF: STATE 36480 ET AL

1. DPP ADVISED EMBASSY TODAY THAT IN HEARING FEBRUARY 20 ON REQUEST FOR EXTENSION OF TIME UNDER ARTICLE 11 OF TREATY, SIR FRANK MILTON, CHIEF METROPOLITAN MAGISTRATE, BOW STREET COURT, EXERCISED HIS DISCRETION AND GRANTED USG EXTENSION TO MARCH 20. IN SO DOING, SIR FRANK SAID THAT "THIS WAS A DISCRETION TO BE EXERCISED WITH GREAT CARE AND WAS NOT ONE TO BE TREATED LIGHTLY" BUT THAT IN THIS PARTICULAR CASE HIS DECISION WAS "PROMPTED BY THE GRAVITY OF THE CHARGES". IN AN ADMONISHING STATEMENT, HOWEVER, THE CHIEF METROPOLITAN MAGISTRATE SAID THAT "WITH DUE RESPECT THE USG DID NOT BEHAVE WITH THE EXPEDITION AND EXPERTISE ONE WOULD HOPE TO HAVE FOUND IN A FOREIGN GOVERNMENT, ESPECIALLY ONE WHICH HAD THE LARGE RESOURCES AS THIS ONE".

2. DPP ADVISED FURTHER THAT DALY WAS REMANDED IN CUSTODY UNTIL FEBRUARY 27 BY WHICH TIME DPP HOPED TO HAVE FURTHER EVIDENCE REQUESTED. ACCORDING TO DPP COUNSEL, IT WAS MADE CLEAR AT TODAY'S HEARING BY SIR FRANK THAT HE "WOULD BE EXTREMELY RELUCTANT TO ENTERTAIN ANY FURTHER APPLICATION FOR EXTENSION OF TIME AND HE HOPED IT WOULD BE LIMITED OFFICIAL USE

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TREATED AS MATTER OF GRAVE IMPORTANCE".

3. APART FROM THE DALY CASE AND AS AN INDICATION OF TREND OF THOUGHT IN BRITISH JUDICIAL CIRCLES ON EXTRADITION MATTERS, THE DEPARTMENT MAY BE INTERESTED IN CASE CURRENTLY BEFORE HOUSE OF LORDS ON REQUEST SUBMITTED BY AUSTRALIA. DURING ARGUMENT ON WHETHER OR NOT THE MATTER SHOULD HAVE BEEN REFERRED BACK TO THE MAOISTRATE TO RECTIFY ANY DEFECTS, LORD WILBERFORCE STATED THAT "EXTRADITION IS A SPECIAL JURISDICTION ANO IT IS VERY TECHNICAL". THE REQUESTING GOVERNMENT, HE SAID, "MUST QET IT RIGHT FIRST TIME AND IT COULD NOT HAVE A SECOND BITE OF THE CHERRY".

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